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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/729,136	12/05/2003	Kunani Nihipali	121108.00002	8976
26707	7590	03/01/2006	EXAMINER	
QUARLES & BRADY LLP RENAISSANCE ONE TWO NORTH CENTRAL AVENUE PHOENIX, AZ 85004-2391			GIBSON, KESHIA L	
			ART UNIT	PAPER NUMBER
			3761	

DATE MAILED: 03/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/729,136

Applicant(s)

NIHIPALI, KUNANI

Examiner

Keshia Gibson

Art Unit

3761

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 November 2005.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-7,9,10,12-16 and 18-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 15,16 and 18-20 is/are allowed.
- 6) ☒ Claim(s) 1,3-7,9-10,12-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see page 10-11, filed 11/28/05, with respect to Claims 15-16 and 18-20 have been fully considered and are persuasive. In particular, applicant's argument that the method of Campbell is not directed toward body burial is held persuasive enough to withdraw the previous grounds of rejection; as such, all other arguments in relation to these claims are considered moot. The rejection of Claims 15-16 and 18-20 has been withdrawn.

2. Applicant's arguments filed 11/28/05 have been fully considered but they are not persuasive. Applicant has argued:

a) Campbell does not disclose a chamber having a door on one side. However, as presented previously, the lid of Campbell is considered analogous to a door and the lid is on one side (in this case, a top or an upper side) of the chamber; the lid allows for entry into or the closing of the chamber.

b) Campbell does not disclose a tray that slides in and out of the chamber, nor a plurality of rollers facilitating the sliding of the tray in and out of the door. This newly added limitation is addressed in the discussion of claim 1 below.

c) The tray of Campbell cannot be used to transport a body or other heavy object in and out of the cabinet. However, a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

d) Campbell does not disclose a plurality of steam jets lining the interior wall. This newly added limitation is addressed in the discussion for claim 1 below. In conjunction, Applicant has argued that the apparatus of Campbell does not provide close contact between the steam source and the item being warmed. However, this limitation is not found within the claim. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

e) The apparatus of Campbell is directed to the warming of food, not to the preparation of a human body for burial. However, it is noted that the features upon which applicant relies (i.e., "human body") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Furthermore, a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. Additionally, it is pointed out that the claim only recites "a body"; as such, a food item may be considered analogous to "a body."

f) Campbell does not teach a cart for supporting vessel. Examiner agrees that this newly added limitation is currently not found within the teachings of Campbell.

g) Campbell does not teach a funnel. However, the dripping boards of Campbell are slanted to serve as a funnel within the apparatus. As such, Campbell is still considered to disclose a funnel. (Also see attached definitions of funnel).

Thus, despite applicant's arguments, Campbell is still considered to anticipate and/or render obvious the structural limitations set forth in the claimed invention, as presented in the previous Office Action (which has been modified and presented again, in view of applicant's amendments, below).

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 7, 9-10, and 12-14 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The amendments to Claim 7 result in an embodiment that is unsupported by the original specification. There is no disclosure of an embodiment comprising both a cart with wheels and a tray that slides on a plurality of rollers.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. Claims 1, 3-7, 9-10, 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Campbell in view of Kitten (US 5,481,964).

In regard to Claim 1, Campbell discloses a steamatory (cabinet) comprising a chamber B, a door A on one side of the chamber, a tray K, steam ports (two steam inlets), a steam generator E (Fig. 1, lines 37-41 and 71-84). The tray is by the chamber (lines 42-45). The term "carried" has been interpreted to imply that the tray is not integral with the chamber and is therefore removable. Campbell discloses steam ports connected to steam pipes that run through the cabinet but do not expressly disclose that the steam is further provided in the form of a plurality of steam jets. However, it would have been obvious to one of ordinary skill in the art to provide a plurality of steam jets lining the interior of the steamatory since it is known to introducing steam into a cooking or other

steam environment using jets, which allows for rapid heating of contents within apparatus, as supported by Houfek (US 3,951,131, column 1, lines 10-26), Kozinczuk (US 3,769,958), and Maniscalco (US 3,774,008).

Campbell does not expressly disclose that steamatory further comprises a plurality of rollers. Kitten discloses apparatus having a tray on rollers. Kitten teaches that providing the tray so as to roll in and out of the side of the apparatus limits the need to open the larger doors of the apparatus, and thus reducing the amount of energy released from the system during heating (whole document, especially Figs., abstract, column 1, lines 40-60, also see Bentulan (US 6,681,759, column 1, lines 30-43). One of ordinary skill in the art would have been motivated to modify the apparatus of Campbell to provide the tray on a plurality of rollers, as taught by Kitten, since doing so would allow for inspection of contents with little to no impact of the interior environment of the apparatus during heating. Thus, it would have been obvious to one of ordinary skill in the art to modify to modify the apparatus of Campbell to provide the tray on a plurality of rollers, as taught by Kitten, since doing so would allow for inspection of contents with little to no impact of the interior environment of the apparatus during heating. Additionally, it is known to add rollers to an apparatus to aid in the insertion and removal of an object, including trays. Thus, it would have been obvious to one of ordinary skill in the art to modify the apparatus of Campbell to provide the tray on rollers since it is known to add rollers to an apparatus to aid in the mobility and positioning of contents within.

In regard to Claim 3, the tray K is made of a mesh wiring having openings (lines 42-63).

In regard to Claim 4, the steamatory has a funnel portion F for channeling drippings and a container for collecting the drippings (lines 42-63).

In regard to Claim 5, the chamber is to maintain the moisture of the contents contained within it (Lines 9-14).

In regard to Claim 6, Campbell discloses an apparatus comprising a vessel B, a support structure K, and a plurality of steam ports (steam inlets) (lines 37-41 and 71-84).

Campbell does not expressly disclose that the steam is introduced into the vessel in the form of a plurality of jets or that the apparatus further comprises rollers for sliding the tray. However, as discussed for Claim 1, it would have been obvious to one of ordinary skill in the art to modify Campbell to provide these elements. Campbell does not disclose that the vessel is supported on a cart with wheels. However, it is known to provide a large apparatus, such as Campbell, with wheels to aid in mobility of the apparatus, as supported Bandy (US 3933144, column 2, lines 40-57) and Dailey (US 3,964,463, column 1, lines 23-36). Thus, it would have been obvious to one of ordinary skill in the art to modify the apparatus of Campbell to have wheels since it is known to add wheels to an apparatus to aid in mobility of the object.

In regard to Claim 7, the apparatus further comprises a steam generator E (lines 71-84).

In regard to Claim 9, the apparatus further comprises a pan B and a lid A (lines 37-41).

In regard to Claim 10, the vessel comprises a tray K (Fig. 1; lines 42-63). (Also see discussion for Claim 1.)

In regard to Claim 12, see discussion for Claim 3.

In regard to Claim 13, see discussion for Claim 4.

In regard to Claim 14, see discussion for Claim 5.

Allowable Subject Matter

8. Claims 15-16 and 18-20 are allowed.

9. A search of the prior art of record fails to disclose any references, which taken alone or in combination, teach or fairly suggest a method of preparing a [human] body for burial that involves placing the body into a heating apparatus then steaming the body so that the flesh falls away from the bones but the bones remain.

The closest prior art of record are considered to be Campbell in view of Kitten, and Ivey (US 4,279,058).

Campbell in view of Kitten obviates an apparatus that can be used to carry out the claimed method of body burial preparation; however, the method disclosed Campbell is directed toward food preparation, not body burial. Additionally, a search of the prior art failed to provide adequate motivation for modifying the teachings of Campbell and Kitten to be used for body burial preparation as opposed to food preparation. As such, the claimed invention is considered to allowable over Campbell in view of Kitten.

Ivey discloses a method that results in the removal of flesh from bone; however the bones both the flesh and body remain. However, the steps of the method involve tumbling the meaty bones in a solution repeatedly until the residual meat has been

removed from the bones, as opposed to the use of steam jets as disclosed by the claimed invention.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Pina, Jr (US 6,039,039).

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Keshia Gibson whose telephone number is (571) 272-7136. The examiner can normally be reached on M-F 8:30 a.m. - 6 p.m., out every other Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tatyana Zalukaeva can be reached on (571) 272-1115. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Keshia Gibson
Examiner
Art Unit 3761

klg 2/19/06

TATYANA ZALUKAEVA
SUPERVISORY PRIMARY EXAMINER
